P. F. 87/93

G. R. S. IX-5

Previous references. 1892-93

192 .

(L. R.)

Later references.

File No 151 of 9

Serial Nos. 1—12

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1—12

Diary Part B for January 1892.

SUBJECT.

Appeal of Jaroideva and 4 others of Chittagong, Under Sec. Separating the Chandraghi Claim.

W D 2233—GP—20,000—11. 6-20

Commissioner

6/3[illegible]
Subm? to the Asst Comm?

Some important original papers relating to this case (A.S No. 95 of 1892-93) are not in the file, and they do not seem to have been subm? to this office by the Deputy Comm? of Kadur.

(Please see marginal note in page 6 of the accompanying Precis)

KGM 16.8.93

Pl No of

Appl

Varadeswara
of Chikkanjelu
Kasardaly

Respt

Ramanna.

Respts pleader Pullappa was
the Huckdar Shanbhogy. during her life time the
Affair was registed in the name of her son Nesavah
a gumasta was appointed, but he not having done
her duties well, Appellant was appointed in
1870 as gumasta. Appt Ram declined to do duties
unless he was confirmed
& tendered a Razinamah. Notice was then given
to Nesavah, & he having twice failed on the days appointed
the Dy Coll ordered the Amildar to appoint a
a gumasta on behalf of Govt & promised to
issue orders about her confirmation as Varadaby.
Then Appellant was again appointed as
gumasta, & he was confirmed as such in
January 1871. In 1876, Respts step brother claimed

by a Regular Writ
office for her clearance
was rejected. In
1892 ~~the~~ Respd brought
a suit & the Court decreed
~~the office~~ in her favor subject
however to the condition
that the appellant shall
not be disturbed in the
possession of her office
during her life time &
good behaviour. The
appeal is against this decree.
All the respdts show that
appellant is a grumasta
but her contention is, that
her confirmation as a
grumasta is tantamount
to the appointment as
a permanent Hereditary
Shanbhog. & that the
suit is thus barred
by ~~Limitation~~ the
Law of Limitation
only
the Court
for consideration is

Precis

A.S. No. 95 of 1892-93

Appellants:

1 Narsideva Sha Bhog of Chickangala Kadur Taluk

2 Shamia son of 1st appellant residing at Kadur

Respondent:

Ramanna residing at Andenahalli in Kadur Taluk

This is a dispute regarding the Shanbhog Vrit of Chickangala and Bukka Sagara Scales in Kadur Taluk.

The facts of the case are as follows:-

Chickangala and Bukka Sagara originally constituted one Shanbhog charge known as Chickangala. One Puttappa, who was for some time Amildar 1 Principality 1862

of Channagandgar Taluk,
was the hukdar Shan
-bhog of the said Chicka
-ranga. Puttappa had
appointed one Venkata
Ramania as gumastha
to look after the Shan
-bhogi duties on his behalf.
At the request of the said
Puttappa the Shanbhogi
was however registered in 1862
in the name of his son
Keshia a minor,
and the Shanbhogi duties
allowed to be performed
as before by Venkata
Ramania above named.
Sometime afterwards
one Thimmappa ~~succeeded~~
succeeded Venkataramania
as gumashta.
In 1870 the Amildar
of Kadur reported to the
Deputy Comm^r that the
said Thimmappa was
incompetent to discharge
the Shanbhogi duties, that
Keshia baradardar
had neither come forward

vide yadi no 856
of 12th Dec^r 1862
from Kadur Taluk
Kutchery to the
Amildar of Channaga
-ngar (Puttappa abov
named)

to do the duties himself nor had appointed a competent ~~person~~ person as gumashta, and that some competent person might therefore be appoint-ed.

The Deputy Commr. then ordered the Amildar to appoint a competent person as gumashta.

No. 852
of 12-3-70

On the 25th March 1870 the Amildar report-ed to the Deputy Commr. that he had appointed one Narsidevaria (1st appellant) who was competent to discharge the Shanbhogi duties satisfactorily.

Three days afterwards ie on the 28th March 1870 the Deputy Commr. Sanction-ed the appointment.

Narsidevaria (1st appellant) then presented a petition to the Amildar that he was not prepared to do the Shanbhogi duties unless

× 5-9-70
vide Amildar's letter of 24-9-70

he was confirmed in the office. Thereupon Endorst No 1260 was issued to him that the baravard-dar would not be removed and he (Narsidevaria) confirmed in his stead.

vide Kadur Amildar's Bille No. 9 of 24-9-70

On the 18th September 1870 Narsidevaria tendered his Rajeenama, since the above Endorst No 1260 did not satisfy him.

The Amildar then reported to the Deputy Commr that since there was nobody to do the Shanbhogi duties of Chickangala, the baravard-dar having neither come forward to do the duties himself nor appointed a competent gumashta, some one should be appointed.

The above named baravard-dar Kesavia was then ordered to appear before the Deputy Commr. Kesavia having failed to appear on the appointed day, the Deputy Commr ordered as follows:—

25.6.76

Submit a report in the matter.

The Amildar accordingly held an inquiry.

27.8.76

Ramaswamia above named deposed before the Amildar as follows:

" x x

Puttappa had a Son named Ramanna by his ~~fo~~ first wife. His Sons by his Second wife are 1 Venkamma 2 Sanna Ra 3 Baravardar Kesavia 4 myself. In this manner there are five hukoars to the office. Even if Kesavia baravardar had failed to appear at that time, a notice could have been issued to us the other hukoars. If we had only been so informed of the circumstances there would have been nothing to prevent us either from undertaking ourselves

to do the Shanbhogi duties or from appointing a gumashta on our behalf. We were not at all informed of it. Only lately I was informed of what had taken place. I then petitioned that the Kulkarni office referred to above should be restored to me. I was afterwards ordered to file a regular suit and I have accordingly done so at present".

× ×

Narsi devaria deposed before the Amildar as follows:

× ×

" I am not a gumashta appointed either by Plaintiff Ramaswami or by his heirs. I was appointed under Govt orders and have been accordingly doing the Shanbhogi duties." 27-8-76

Kesavia baravardas deposed as follows:- 27-8-76

× ×

" In 1871 a notice

which is of a trifling value and it is most probable that they all knew that a notice had been given to the 2d Respondent and that he had disregarded it. Under these circumstances I agree with the lower Court in refusing to disturb the possession of the 1st Defts and dismiss this appeal with costs."

In 1886-87 the Survey Deptt split up the original Shanbhogs circle of Chickangala into two scales viz Chickangala scale and Bukkasagara scale. Mr Meiklejohn Deputy Commr thereupon confirmed Narsideraria in his appointment and ordered that a gumashta should be appointed for the Dodda Bukkasagara portion, reserving the Chickangala scale to the said Narsideraria.

28-2-77

vide precis of old correspondence prepared in the Dy Commrs office & the deputy Commrs order in Rey. Revenue suit No 1 of 1892-93.

Note

The original papers shewing what was done by the Survey Deptt in 1886-87 and what orders were subsequently passed by Mr Meiklejohn, Dy Commr, with regard to the Shanbhogs of Chickangala & Dodda Bukkasagara are not forthcoming in the file

On the 3rd September 1892 Ramanna son of Sannanna and grandson of the original Registeras Suttappa (vide genealogical tree) filed a Suit before the Deputy Commr of Kadur for the recovery of the Shanbhagi of Chikka angala (~~xxx~~ consisting of 2 scales).

Ramanna above named alleged in his plaint that the office was hereditary, that he or his heirs were not ~~forcibly removed~~ given any notice at the time of appointing Narsidevaria ⊕ & his son (2nd Defdt) ⊕ that in 1869-70 when ~~Narsi~~ the cause of action might be said to have arisen, ~~deffendt was appointed~~ he (Ramanna) was but a minor two years old.

The case was posted for hearing on the 17th September 1892.

Narsidevaria deposed before the Deputy Commr as follows:-

" × × Junior ~~Sheristadar~~ Pearse ~~sworn~~ Sahib ~~to~~

of papers submitted to this office by the Dy Commr of Kadur. The Shanbhagi Regrs are also not forthcoming.

× Ramanna (1st Plff) versus Defts { 1 Narsidevaria 2 Shamia Son of 1st Deft 3 Kesavia

D 17.9.92 19.9.92

carry out Mr Micklejohn's
order regarding the
appointment of a Shan
-bhog gumashta for the
Dodda Bukkagara portion
but instead, he has done
the work and received
the dues of both Scales
himself, alleging as his
excuse that the dues
were too small to get an
independent gumashta,
that his nephew Nara
-simhia whom he wishes
to appoint had since
died and that he now
proposes to appoint his
Son the 2d Deft to do
the Shanbhogi work of
Dodda Bukkasagara
Scale.

On perusing the
records I observe
that Capt. Pearse in
1871 appointed the 1st
Deft as Shanbhog
gumashta; that Mr
Krishnarao in 1876
declined to entertain

the claim put forward by the then Pff (Rama Swamia an uncle of the present Pff) on the ground that Capt Pearse had already confirmed the 1st Deft as Shanbhog in 1871; that Col Campbell in his decision of 1877 refused to disturb the possession of the 1st Deft but at the same time said nothing regarding the hak of the then Pff. I am of opinion that the 1st Deft who is an old man probably feeling the work of the Shan-bhogi to be getting too much for him now produces his son the 2d Deft; so that at the 1st Deft's death the family claim to the hak may be more strongly esta-blished. The 1st Deft was wrong in not carrying out Mr Nicolle

of office note 22

Q. No. 2763 dated 8.6.01 of Ramanuja (Respondent in A.S. No. 95 of 92-93 before Govt.)

Subject Appeal against the order of the Deputy Commissioner declining to appoint petr as Shanbhog of Chikkagala and Doddabukkagala scales, during the life time of Narsidevaraiah

The papers which is already in the file gives a full history of the case

Their decision No. 12859 dated 30.1.1894 in Q.R. 87/93 appeal No. 95 of 92-93 of Narsidevaraiah (counter petr) the Govt dismissed his appeal on the ground that he (Narsidevaraiah) was only a guinas the having no hereditary right to the Shanbhogi, that he had right only to claim continuance in office as guinas during his life time and good behaviour, that Respondent Ramanna (petitioner) was the heir and that the decision of the Dy Comr that the Shanbhogi should

revert

revert to the hukdar not directly but on the death or dismissal of Narsidevariah) was fair and equitable. 23

The petr states that Narsidevariah is now 60 years old and is unable to do the work; that the Jagalemudy Sub Dee officer had recommended his removal from office in 1898-99; that one Subbaraya (son of the counter petr) had subsequently another Shamanna had been appointed as gumastha (of gumastha Narsidevariah); and that the order appealed against had been passed on the petr's request to be permitted to look after his hukdari office.

The Dy Comrs order appealed against merely states that petr could not be restored to the office during the life time of Narsidevariah as per Govt order dated 1894 but it is not clear from the order whether the said Narsidevariah is himself attending to the duties or getting the same performed by his

(General Serial No. 32). 26

1892. 3 (2)

No. 1653

Name of Petitioner. Narasimhaiya Shanbogue

Village. Kasaba.

Taluk. Do

District. Do

Date of Arzi. 7—1—93.

Date of Receipt. 9—1—93

Date of Disposal.

No. of Enclosures. Two.

ABSTRACT.

Appeal against the Comm. Judgment dated in Rev. Case No. 1/92-3 in the matter of the claim for remission of Chavinigida Kodage Darkast. Petitioner contends that the Dy. Comm. has entertained the above suit & rejected the plaint in the name of the Respondent. Contrary to law as the suit had been instituted by the Deceased in his name. Appellant is the legal representative. Comm. Refers

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

Do

General Case

Claim for the wet lands

Dasya Officials' Inam.

Objections

Call for proceedings

7/2/93

L.R. 151-92-1

(General Serial No. 30.) 28

1893

10380
14 MAR. 93
Pet 4 Pap

From

The Deputy Commissioner
Kolar District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 11th March 93

Despatched 13th

Received

Enclosures No. one file of records and separately:

General No. 478 } 1892-93
No.

Reporting on the Petition of
Nirase Dewri and Shamia
regarding the claim to the
Amaluge Kat of Chikkanaya-
and Doddanayakanahalli.

Peter
Mrn
14/3

The Respondent in this appeal named Ramanna sued for the Sircar Inam of Chikkapalli Bandagere. The 1st Court gave him a decree affirming the Pattah and directing him to be made free from liability on the death or dismissal of the present incumbent the Appellant. He latter has therefore appealed against that decree.

The 1st Court's Judgment, the grounds of appeal & the 1st Court's reasons are in English.

Submitted for orders.

L.R. 151-92-3

Post M. Case for hearing on 1/6/93

Posted to 4th Sept 1893

M. G. C. P. Bangalore.—27-1-93.—5,000.

No 478
Encl 1 file.

Deputy Commissioner's Office
Madura District
Virudhunagar 1st March 1913.

(4)

From

The Deputy Commissioner
Madura District

To

The Chief Secretary to the
Govt of Madras

Sir,

With reference to the petition of Nara Devarai and Chania, received with your official Memorandum No 1001 of the 10th ult, appealing against my order in re the Kudiruppu hair of Virudhunagar and Kudiruppu rents, I have the honour to state as follows:—

The facts of the case are —

Pichappa the grand father of Ramanna (Petitioner in Revenue Suit No of 1902-03) was the Nadalai Kudiruppu of the rents in question prior to 1852, when he transferred his hair to his son Nara Devarai

From the precis of the correspondence and the translation of the plaint-Muhazir with the records, it will be seen that the Kudiruppu hair Nara Devarai has no hair whatever to the hereditary appointment in question, being an entire stranger, that he was

appointed Dy. Govt. in 1871 to Jhansi owing to the deficit ~~C.D.~~ of the Province to maintain consistent Jhansi of their once for the due performance of duties.

In 1876 Ramachandra (son of Pattaji) brought a regular suit, which Mr. Brian Hall, the then Agent, seemed to entertain, apparently relying on the order of his predecessor Captain Pearce, which confirmed Nana Dewara as "Inamdar" and not as "Khandag".

The case went before Col. Campbell (then Political Officer) in appeal when that officer concurring with the Lower Court refused to disturb the possession of the 1st defendant" and dismissed the appeal. (Note - Nana Dewara was not declared as Mokdar)

In 1886-87, when the Patels and Khandags cases were settled, the Municipality followed the previous decision and kept on the name of Nana Dewara on the Local Register.

Ramachandra thus continued to avoid the appointment till September 1892 without any fear of being dismissed by the

(General Serial No. 30.)

1893

From 33 The Deputy Commissioner Kadur District.

The Chief Secretary to the Dewan of Mysore.

Dated 8th September 1893

Despatched 8th

Received

Enclosures No. 2 and 2 Books

General No. 164 1893-94
No.

In reply to his Docket-
-ed No. 3893 / Pet 343 dated 28th ult-
-imo calling for certain Ori-
-ginal Foreign Registers of
the Kadur Taluk in Revenue
Akhera Case No. 95 of 1892-93,
I have the honor to forward
the marginally noted Books to-
-gether with the enclosures
received with the Docket
under

Petition Filed
11th 11-9-93
Submitted for Consideration
Orders
18/9
L.R. 151-92-4
Post the case
again for
hearing
C.P.
29/11/93

Noted 6 20-1-94
Notice to the said Petitioner
parties.
Mr.

Sd. 25/1/93

1. Paylist of the late Banawar Taluk for the month of February 1880 in which the Shanbhogues signatures have been obtained for the amount paid to them.

1. Register showing the payments made to the Shanbhogues in the Kadur Taluk for 1885-86.

(Note) It is from these 2 References that the enclosed extracts were made.

Enclosure Reply.

3/4

Deputy Commissioner

Kadur District

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |

Petitioner

Pedda Somaiah
Mysore
9/1/93

2nd Petitioner
9-1-93

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. N. 16530
DATE 9-1-93

16-9-93

To
The Honourable Chief
The Government of Mysore,
Bangalore.

Revenue Petition No. of 1893-

Petitioners — 1. Veerabhadraraya, Shanbhog of Kuttungala Hagari, Kadur
residing at Kadur
2. Shankariya, Son of Pedda, also residing at Kadur.

A.S. No 195
92-93

vs

Opposite party — Ramanna, Son of Shamanna residing at Kutanahalli, Kadur Taluk.

The petitioners above named respectfully beg to appeal against the judgment and decree passed by the Deputy Commissioner of Kadur District in Revenue Suit No. of 1892-93 on the following grounds: —

1. That the Deputy Commissioner was wrong in entertaining the suit inasmuch as the suit was clearly and indisputably barred by reason of the decree in Revenue Appeal No. 6 of 1876-77 on the file of the late Division Commissioner, Nagar Division.

2. That the decision of the Deputy Commissioner that the suit is within time is clearly illegal, inasmuch as the plaintiff himself admits in the last para of the plaint the fact of his having instituted the suit first in the Court of the Munsiff after the second decree.

3. That the plaintiff is not entitled to any of the two fields of the Shanbhoga in dispute.

ಕೋರ್ಟಿಗೆ.

ಸನ್ 189 ನೇ ಇಸವಿ ನವೆಂಬರ್

ಪ್ರತಿವಾದಿ.

ವಕಾಲತ್ ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಆರ್ಜಿಗಳನ್ನೆರೆ ಕೊಟ್ಟು, ವಿವಾದಿಸಿ, ಪೈಸಲಿ ಹೊಂದತಕ್ಕ ಬಗ್ಗೆಯಲ್ಲಿ ಮತ್ತು ನನಗೆಸಲ್ಲತಕ್ಕ ಡಿಕ್ರಿಯೊಬಲಗು ದಸ್ತೈಜು ವಗ್ಗೆರೆ ತೆಗದು ಕೊಂಡು ರಶೀದಿಕೊಡುವದಕ್ಕೆ ನಿಮಗೆ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ, ಆದ್ದರಿಂದ ಕಾಮು ನನಗೋಸ್ಕರ ಕೋರ್ಟಿನಲ್ಲಿ ಹಾಜರಾಗಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ನಡಿಸುತ್ತೇನೆ.

ಮತ್ತು ಕೋರ್ಟಿಗೆ ನೀವು ಕೊಟ್ಟ ಫಲಾಫಲಕ್ಕೆ ತೆಗದುಕೊಳ್ಳುವದಕ್ಕೂ ನಿಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ.

ತಾರೀಖು ನೇ
ಸನ್ 189 ನೇ ಇಸವಿ

ಅಂಗೀಕರಿಸಿದ್ದೇನೆ.

ಈ ವಕ್ಕಾಲತ್ನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯವುಳ್ಳವರು ನನ್ನ ಸಮಕ್ಷಮದಲ್ಲಿ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿ ಇದ್ದಾರೆ, ಆದ್ದರಿಂದ ನಾನು ಸರಿಯಿದೆ ಎಂದಿದ್ದೇನೆ.

Printed by T. Raghava Char, Tholasee Thottum, Bangalore.

44

dismissed. In 1892 Res-
-pondent brought a suit
and the Deputy Com-
-missioner decreed in
his favor, subject however
to the condition that
the appellant shall
not be disturbed in
the possession of his offic
during his life time and
good behaviour. The
appeal is against this
decree. All the register
shan-that appellant is a
gumasta, but his contention
is, that his confirmation
as a gumasta is tantamount
to his appointment as a
permanent hereditary Shan
-bhog, and that the suit

is

therefore barred by the
Law of Limitation 45
2. The only point for
consideration is whether 1st
appellant should be regard-
-ed as a confirmed Gu-
-masta on behalf of Gover-
-ment, or a permanent here-
-ditary Shanbhog. There
is nothing in the records
to show that he was ap-
-pointed with hereditary
rights. He was in all
orders and registers men-
-tioned as Gumasta, and
this being so, his confirmation
as Gumasta can only
give him the right to
claim continuance in
office during his life time
and good behaviour, and
not

No. 1653 / A.D. 95.

6-2-94

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
2nd January 1894

47 / 6-2- (87)

Endorsement granted to Narasiraraja and Thimmaya residing at Kadur (by Reader B. Lakshminarayana)

in reply to their Petition Registered No. 1653 / A.D. 95 dated 7th January 1893 appealing against the Deputy Commissioner's order in re Hemmaraje of Chikkangala Hagani, Kadur Taluk

Petitioners are informed that their appeal has been dismissed.

The enclosures are returned.

Ref
28/1894
L.R. 151-92-6
30/1

"By Order"

Draft

For Chief Secretary.

Copied
Read
Compared
S.V.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

46.

P

(10)

190/

No. 2763

Name of Petitioner Ramanna Sankara Shanbhaga Chickanayaka.

Village

Taluk Kadur

District

Date of Arzi

Date of Receipt 15-6-01

Date of Disposal

No. of Enclosure Nil

Submitted
1) Stamp sufficient
2) Act of time by nearly one month.
To be returned for explanation of the delay.
21.6.01
Endorsed
22/6
24.6.1901
3) Delay cause explained (vide Petn No 2932)
3/7/01

His Lordship says the petitioner should pay Court fee on the order in the case filed in Jan 1894

4/7/01

4/7/01

Please see the above order and send petitioner a copy of the order applied for on payment of fees.

5/7

All
5-7-01

Petition Branch
P. 2932 of 93 containing the petitioner requires put-up
6/7/01
Sealed with the office note
8/7/01

ABSTRACT

The petitioner applies against the ordering order of 15th date 10/2/01 of the Dy. Comr, Kadur District.—

"Read the reasons and memo of appeal within mentioned 22-2-01 against the Asst Comr's order in Re Election — Nagar Chickanayaka and Subbanthikaggara.

Which has been decided in case No 1 of 1893-3 filed

MGIPS—25-6-01—3,000.

Karnataka Sarvanam Court upon the Chanigi among

his defense, this order was confirmed in part on Aug 4 and later passed in January, 1894. The question has already been settled. There are no new grounds for interference. Plaintiff's petition no reason for interference, your petition has been rejected."

The petitioner therefore follows:

1. The petitioner is the heir and lawful owner of the Mantiagi & Chilcanqui and Pachalantiagara claim.

2. The Mantiagi was passed in the name of his uncle Huaman. On the ground that [illegible] was [illegible] grandson, Huaman died and [illegible] behalf of grandson on Gonzalez.
The petitioner was then a minor.

3. On attaining majority, petitioner filed a claim in 1892-93 for the return of the Mantiagi

Mon ami Jacques, Je reçois ta
lettre du 17 mai et je m'empresse
de te répondre pour être tout à
fait certain que tu auras bien
ton anniversaire. Nous allons
faire comme tout les ans
comme toi, tu fais ton
choix. Je t'enverrai donc
ce cadeau par la poste.

Et toi tu dois savoir ce
que tu veux car Madame
le sait déjà et elle me
demande ce que tu veux.

Ton ami
21/6/21

COURT FEE 7-6-[illegible]

COURT FEE 7-6-[illegible]

COURT FEE 7-2-[illegible]

Two Rupees Stamp Paper

2763 15/6 [illegible]

[illegible]

ತಿಳಿಸಿದ ಸಲುವಾಗಿ ತಮ್ಮ ಪರವಾಗಿ ಸಾಕ್ಷಿದಾರರನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದು ಅವರ ಸಾಕ್ಷ್ಯವನ್ನು ದಾಖಲಿಸಿಕೊಂಡಿರುತ್ತದೆ. ಅಲ್ಲದೆ ಸಾಕ್ಷಿದಾರರಿಗೆ ಪಾಟೀಸವಾಲು ಮಾಡಿರುತ್ತಾರ

GOVERNMENT OF MYSORE
OFFICE
JUN 24 1901

By Order,

for Secretary

By Post Registered

29/6.01

2932

(11) Enclosure 30-7-1901

1901

From

THE SECRETARY TO THE
GOVERNMENT OF MYSORE.
Jud: and Rev: Dept.

To

The Dy: Comr
Kadur Dt.

L.R. 151-92-8

Dated 31st

Despatched 3rd Aug, 01.

Received

General No. 221

P.J. No. 87-93

Enclosure No.

In

~~Has the honour to~~ forwarding herewith for ~~kind~~ perusal and return, Petn No 27033 5-8-01, with its three enclosures, ~~appln~~ from Ramanna Nakdar Shanbhog of Chickangala residing at Kadur, appealing against the Dy: Comr's order in regard to the said Shanbhogi office, ~~and~~ has the honour to request that he will be good enough to state why, if Narsidevariah is unable to do the duties of Shanbhog Gumasta himself, the Nakdar should not be called upon to officiate in preference to a Gumasta being appointed for Narsidevariah, who is himself a Gumasta.

By order

Asst.

for Secretary

(12)

OFFICE OF THE DEWAN OF MYSORE
2814
30-8-01

(General Serial No. 30.) 1901

Ct 870 of 93 Concerning S.T. representation

From H. H. Wyndham Esqre
Deputy Commissioner
Kadur District

To H. V. Nanjundiah Esq B.A. Asst. Secretary to the Government General and Revenue Depts

All
31-8-01 S.V. Gundu Rao
Table with office note
Concurred
2-9-01

RD 2/9/01 vide order on office note 8-23

L.R 151-92-9

Dated 27th August

Despatched

Received

General No. 143 } 1901/02
No.

Enclosures Number. 3.

Returning the petition of Ramanna of Chikkangala, Kadur taluk and stating that Narasimmaiah is doing the duties of Shanbhog Gumasta and no Gumasta is appointed for him.

Rdi
J. R. R.

Chikmagalur
27th August 92

From

A. A. Sprinkel Esquire
Deputy Commissioner
Kadur District

To

A. V. Narayanaiah Esquire M. A. M. L.
Secretary to the Govt of Mysore
General and Revenue Dept

Sir,

In returning herewith the petition of Ramanna received with your docket No 22 C.C. 87-93 of the 30th July 92 in re the Chavadiya office of Chikkangala read in the Kadur Taluk, I have the honor to state that Narasiyaiah whose appointment as Chavadiya Gowda was recognized by this office and sanctioned by Government in their decision dated 22nd January 1894 in case No 95 of 1892-93, is doing the duties of that appointment directly and no Gumasta is appointed for him.

I have the honor to be,

Sir,

Your most obedient servant,

A. A. Sprinkel
Deputy Commr
Kadur Dist

189

(14)

Reference
12-9-01
R 932 fasc.
2763 of 00. disposed off by no
573
P.T. 87-93 dt 9-9-01.

2-11-9-01 Genl Records
Please findup
P.T. 87 of 93.

AC
25-9-01 To
Petition Branch
P.T. 87 of 93 findup.

25/9/01
28

Subject: Application for review of Govt order dated 30-1-94. (Serial No 9 of the open file)
2) Stamp Sufficient.
3) Suit of time by more than 4 years. Petr simply says in his petn that the delay was due to his poverty.
4) Petr now prays that the Shanbhagi hulk may be permanently confirmed to his family.

28/9/01

There seems no ground to alter the order of 1894. Petr who is old is apprehensive that the office will pass on to the hulkdars and to his sons.

3/10/01

Revert

RO
4/10/01

1901

No. 774

Name of Petitioner Varadiraja

Village Shanbag
Chikkigala

Taluk Kadur

District

Date of Arzi 31-8-1901

Date of Receipt 5-9-1901

Date of Disposal

No. of Enclosure 6

ABSTRACT

Petr has been since the year conferred on him the hereditary Shanbhagi of the two vocales, one of Chikkigala & the other of Doddukkagga, himself & his co-heirs have been respectively looking after the distributing duties of the two vocales of Shanbhagi for the last 32 years, discharging even the arrangement of a division which can be claimed after thirty years of enjoyment. That he was given to understand that Ramanna, pet's eldest brother in the Kannada Sub-Register relation to the Govt duties that as he (Ramanna) was the lawful heir to the

MGCPB—23-3-01—3,000.

Shanbogue in question, he will be ~~entitled~~ given the said Shanbogue, upon whom is the legal onus for the declaration of the Amildar,

(13)

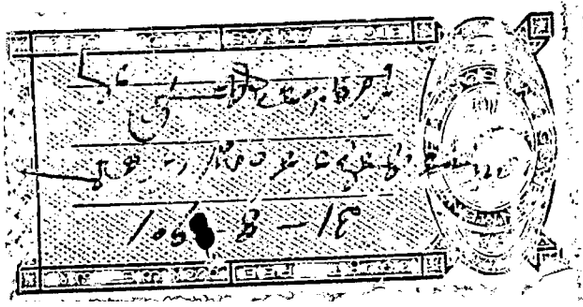
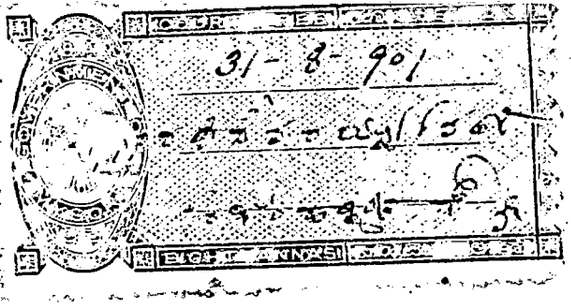
that the ten villages belonging to the two castes above-named have given to him (Krishnaji) by the Govt. a yearly remuneration of Rs 20-6a without any Enam land or any remuneration from any of the local Ryots in the shape of grain &c

That in 1874 Ramannah uncle of Ramanah, patel of the Kingala made a petition to the Dy. Comr. to get the Shanbogue to him, whereby that he ~~might have~~ was deceived by the unsolicitation of a formal plaint suit.

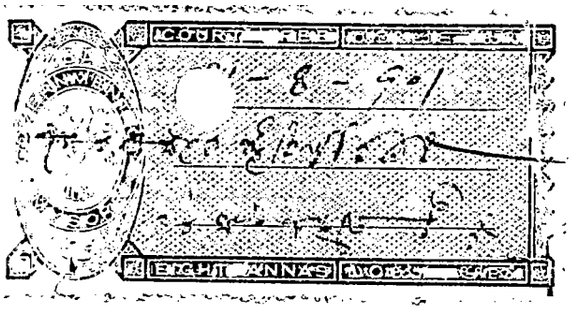
That in obedience to the above order Ramannah instituted a plaint-suit in the District Court the then Dy. Comr. dismissed the suit on the ground that the family had no hereditary the Shanbogue was not transferable personally by any of his descendants

That in the year 1876-77 Ramannah the uncle of Ramannah, put in the said Ramannah, put in an appeal in the Court of the Commissioner, against the decision of the then Dy. Comr. dismissed the appeal

That in the proceedings of the Hearing in 1879-1880, Krishnaji Comr. registered the names of Ramannah & Krishnaji, & in consequence of the

66



Two Rupees Stamp affixed

by hand
Registered 3/9/01

To

The Hon'ble

The Government of Impson

774

Bangalore
PETITION FILED
REG'D. NO. 774/06
DATE 3-2-07

Most Respected Sir,

I, the undersigned Thasildarna Shanbhag of Chikmgala most humbly beg your honours kind permission to bring the following few lines for your honours favourable consideration and decision.

1. Ever since the Government conferred upon me the Hereditary Shanbhagi of the two Sealers of Chikmgala, and the other of Dodhthagar, myself and my Son have been respectively looking after the duties of each of the two Seals of Shanbhagi, for the last 52 years, according to the Settlement of the Shanbhags, wholly discarding throughout, even the advantage of a pension, which can be earned after thirty years of active public service.

2. I was given to understand, that one Timmanna Patel of Chikmgala submitted a petition to your honours stating, that he was the lawful heir of the Shanbhagi in question and praying that your honours will be graciously pleased

to

Commissioner and have accepted your honour's kind notice through my interpreter. It was then decided that the decision of the District Court was final and a question arose whether myself and myselves were registered as Confirmed Pensioners or whether we were registered as Mackdari Agraharas. All that is now left for me is to pray for a revision of the case, which I should have done earlier had it not been for the inconvenience of travel.

10. If the Deputy Commissioner had rightly understood the order, the judgments and orders and pleadings connected with the settlement of Mackdari passed by the officers and described in columns 4 to 9 above, he would not have taken up the suit brought forth by Ramanna, Patel of Chikinjala for the Sandstone; he would have rejected it saying that there did not exist sufficient grounds for taking up his suit.

11. After so much of correspondence has taken place on the matter, the Amildar, Madanahalli unreasonably issued a notice on the 3rd March 1899 to Ramanna, Patel of Chikinjala to appoint a Gumasta for the Mandhoji in question till in a term of one month, and that if he failed to do so the Government would appoint a Gumasta. In the authority of this notice this Ramanna has submitted petitions to your honour, to the Deputy Commissioner and to Assistant Commissioner in charge of the Northern Division Madanahalli District and as such has caused much unnecessary correspondence.

12. I have herewith submitted for your honour's gracious perusal, other petitions, proceedings and orders and Agraharas connected with the settlement of Mackdari and a copy of the decision of the Diwan of Mysore. Their

Shankaji which has been brought in a very paltry consideration, it was not possible to say he had granted to the 2nd Respondent (myself) by the Deputy Commissioner.

68

7. In the first settlement of Shickdari in 1879-1881 the then Deputy Commissioner Mr. Lacy has registered the names of myself and my son respectively to the Chikmagala and the Kottukkasapura Seats and he has confirmed me to the same Seats and he has confirmed me to the same.

8. When the settlement of Shickdari took place for the second time in 1886-87, the then Deputy Commissioner Mr. Nicholson again confirmed myself and my son and registered our names respectively in the Seats of Chikmagala and Kottukka sagar with the remark that the order passed by Col. Campbell, Mission Commissioner could not be altered.

9. In 1892-93, Ramanna, Patel of Chikmagala instituted a regular suit in the Court of the Deputy Commissioner who without seeing the orders, judgments and registers of Shickdari described in Columns 4, 5, 6, 7, 8, decided that both the Seats of Shankaseh should be in my possession only throughout my lifetime. Thereupon appealed to your honour stating that the decision of the Deputy Commissioner was unlawful. I do not know whether the orders, judgments of officers and Shickdari registers described in Columns 4, 5, 6, 7, 8, were sent to your honour by the Deputy Commissioner or whether they have

him
to Confer upon the said Shanbhogs, upon which your
honours were pleased to call for the explanation
of the Guildai, as why the Shanbhogs in
question should not be given to the petitioner, a
and consequently I had to submit this, my most
humble petition for your honours kind perusal.

3. When the ten villages belonging to the
two Seales aforesaid are given to me by Government,
neither any Inam lands nor any emolument
from any of the local rents in the shape of paisa
etc, were attached to the office of the Shanbhogue, except
a monthly salary of Rs 1-11-0 or in other words a yearly
remuneration of Rs 20-4-0.

4. In 1874, the Ramanna made of Ramanna,
Patel of Chikigara, made a petition to the Deputy
Commissioner to get the Shanbhogi to him. In reply he
was informed by Taluk Sheristah Cutcherry, that if he had
any suit thereto he may go and have his suit decided
by the institution of a formal plaint suit.

5. According to the terms of the above order
Ramanna instituted a plaint suit in the District
In 1876-77 the then Deputy Commissioner Mr Krishna
Rao dismissed the suit on the ground that the family
has no hereditary Shanbhogi was not worked
after personally by Ramanna, or his father, or his grandfather
or his great grandfather or by any of his descendants.

6. In the year 1876-77 Ramanna the made of the
said Ramanna put in an appeal in the Court of the
Commissioner of Anjar Division. The then Division Commissioner
Colonel Campbell dismissed the appeal with the remark
that as none of the family of appellant cared for the

13. I most humbly pray that your honour will kindly consider how unfit a charity decision of this Court is, and his other favourable [illegible] after the date of the Shanbhogi for hundreds of years and so long as it yielded a paltry remuneration and also institute formal suit for acquiring rights to his family when the yearly remuneration is increased.

14. In conclusion, I must humbly beg to bring to your notice and notice that I am very poor and am the sole supporter of a family consisting of about twenty souls. I most humbly pray that your honour will kindly take the foregoing circumstances into your noble heart, and be graciously pleased to confer upon my family the Hackdari of the Shanbhogi in question, just as the officer whose orders etc I have submitted to your honour have done and thus earn an everlasting name and save me from the chill blasts of penury, for which act of kindness done to me, I shall, as in duty bound ever pray to God for the long life and prosperity of your honour and of our benign Government.

I beg to remain,
Most Respected Sir,
Your honour's most obedient and
loyal Servant
[illegible]
Shanbhog, Chikmagalur
Kadur Taluk

Kadur
31st August 1901

Keller appt should be regarded as a confirmed grumasta on behalf of Govt or a permanent hereditary Shanbhog. There is nothing in the records to show that he was appointed with hereditary rights. He was ~~always~~ in all orders & registers mentioned as grumasta, & has long so ~~he claimed~~ claim continuance in office during his life time & good behaviour, & ~~has~~ not ~~certainly no right~~ not to claim hereditary rights. The Dy Comrs discussion what is equitable in the case hardly confirmed, & the appeal dismissed.

confirmation grumasta on only qua on the right to

21/1/94

Govt

Pr is informed that the appeal has been dismissed

"Hearing appointed today, but still absent and produces no gumashta. Amildar may appoint a gumashta on behalf of Govt to do the duties, who at jamabandi will have orders passed confirming him or otherwise. The Shanbhogi dues will go to the gumashta while acting."

24.11.70
No 478

Narsidevaria then agreed however to do the Shanbhogi duties and he was accordingly appointed by the Amildar

vide Amildar's Daille No 967 of 30.11.70

At the jamabandi the Deputy Commissioner confirmed Narsidevaria (1st appellant) as gumashta on behalf of Govt.

19-1-71

In May 1876 one Ramaswami another son of Doddappa

above named filed a
regular suit against Narsidevaria,
before the
Deputy Commr of Kadur,
that the Shanbhogi of
Chickangala belonged to
his family, that Kesavia
his elder brother who was
the baravaroar had not
committed any offence which
might justify his removal,
that even supposing that
the said Kesavia was not
prepared to look after the
Shanbhogi duties still
he (Ramaswami) who
was also a hukoar to the
office was competent and
willing to discharge the
Shanbhogi duties and that
for these reasons he might
be appointed Shanbhog
and Narsidevaria re-
-moved from the office.

The Deputy Commr
directed the Amildar
of Banawar to ~~inquire~~
hold an inquiry and

12 5

had been issued to me from the Kadur Taluk Kutcherry that my gumashta was incompe-tent to do the Shanbhogi duties and that I should appear before the Amildar. As I was then a young boy and had been unable to look after the Shan-bhogi duties and as I did not also know that I should appoint a gumashta, I failed to appear personally."

× ×

The above named Ramaswami is my own brother. I have no object-ion whatever to his being registered as baravardar and to his doing the Shanbhogi work."

The Amildar thereupon submitted the proceedings to the Deputy Commr.

27-8-76

On receipt of the pro-ceedings the Deputy Comm^r Mr P. Krishna Rau ordered as follows:-

"The plaintiff's brother the last holder having deserted his post and the then Deputy Comm^r Captain Pearse having permanently appointed the defendant as Chan-bhog on the part of Govt the claim now put forth by Plaintiff cannot be entertained" 9-10-76

Ramaswami above named then appealed against the above order to the Division Comm^r of Nagar.

Rev. A. S no 6 of 7
Ramaswami
app
versus
1 Narsidevari
2 Kesavia

On appeal Col Campbell Div^n Comm^r passed the following order:

× ×

"The proceedings seem to shew that as a matter of fact the family did not care for the office

me personal orders that he had confirmed me as Shanbhog. He did not give me any written orders. Since then I have discharged the Shanbhogi duties as the hukdar. I do not belong to the family of Puttappa original hukdar but we belong to one and the same caste. In 1877 Plff's junior uncle Ramaswamia filed a suit. × × × I was confirmed in my office both in the original & the appellate courts.

× ×

I do not know if I am entered ~~as~~ in the Shanbhog Registers of the years 1871 to 1885-86 as baravardar or only a gumashta. × ×

Since the date of my appointment I alone have been annually receiving the Shanbhogi remuneration.

× ×

ever since the baravard of Doddabankkasapura

was made out in the
name of my son (Shamia).
I alone have been looking
after the Shanbhogi duties
of both the scales. Chickangala
and Dodda Bokkasagara.

× ×

In 1886-87 Govt. ordered
that a gumashta should
be appointed for my
son's scale. As nobody
was available for gumasta
-ship I alone have been
as per orders doing the
duties.

× ×

No Govt. orders had been
issued that in addition
to the duties of my scale
I should look after the
duties of Dodda Bokka
-sagara scale also."

On hearing the parties
Mr. Sparkes Deputy Comm.
ordered as follows:

22-9-92

" × ×

From the statements
of the 1st & 2d defts
it is apparent that the
1st defdt has failed to

"According to the Indian Li
act No. 9 art. 124 of schedu
I am of opinion that
suit is not barred b
as the Plff has filed thi
within 12 years of
disability."

John's orders to appoint a gumashta for the Dodda Bokkasagara Shanbhogi.

Taking into consider-ation the time that the 1st Defl. has held possession of the Shanbhogi; I direct that the 1st Defl. do still hold possession of the 2 scales until his death or dismissal, provided that he appoints temporarily a competent man to do the duties of Dodda Bokkasagara Shan-bhogi; and that at the death or dismissal of the 1st Defl. the posses-sion revert to the original family of Puttappa of which the Plff is a mem-ber and therefore has a legal title for his name being registered as hukdar for the 2 scales."

The present appeal

is against the above order.

The grounds of appeal are:-

1 That the Dy Comm^r was wrong in entertaining the suit inasmuch as the suit was clearly res judicata by reason of the decree in A^s No. 6 of 76-77 on the file of Nagar Div^n Comm^r

2 That the suit is barred by limitation.

3 That Plff is not entitled to any of the two firkas in dispute

4 That the appellants' right to the office has been repeatedly affirmed by successive Dy Comm^rs.

The Deputy Comm^r's English report also gives the facts of the case.

/

e P.C.H

gymnastics.

8/7/01 Sec'y & 1st Committee

24

9/7/01

RD
9/7/01.
75

Inquire whether the Hardwicke Society is unable to do the duties of Gymnastic Instructor themselves, the Magdalen should not be called upon to officiate in preference to Gymnasts having appointed for Hardwicke who is himself a gymnast.

9/7/1901

25/7/01

Dft. docket & Instr. put up. Sent 27/7/01.

25

The Dy Comr in reply ~
states (vide letter dated
27-8-01) that Narasideva-
riah himself is doing
the duties of Shanbhog
and that no gumasta
has been appointed for
him

29-01

This being so, petr has
no grievance & the
petn may be rejected.

2/9/09

reject

Office Asst:
put up. 5/9/09.

5/9/09

1050

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

(3)

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1653

dated 7—1—93 received at the Dewan's Office from Ramadevamma Shanbogue of Chikkanayakanahalli and Shamanna, offering explanation regarding the Deputy Commissioner's order in re the Shanbogue ship of the said Nagana in Kadur Taluk

is forwarded, together with its two enclosures, to the Deputy Commissioner Kadur Dist for submission of proceedings with a report on the facts of the case and on the points taken in the petition.

2 The petn should be returned

By Order,

Chief Secretary.

KPW

BANGALORE, 8 Jan 1893

M. G. C. P. Bangalore.—21-11-92—3,000.

on the Dewan's No 473 of 11/3/93

the real hakdaro, when a suit was brought by Ramanna, the grandson of Puttappa.

On perusing the former records in the case, and on hearing both parties in person, I failed to see that Narsi Devana had any "hak," and decreed that the hakdaro (one of whom is the Plaintiff Ramanna) should be restored to the hereditary appointment, not directly but on the death or dismissal of Narsi Devana, in consideration of the latter having held possession of the appointment as Gumasta for years past. (Vide judgment in the Revenue case disposed of on 22nd September.)

Now as regards the points taken in the Petition —

Para 1 — I fail to see how the suit was 'res judicata' when Narsi Devana was almost all along his tenure being declared as "Gumasta," and not as "Hukdar Khanbog." His long possession itself cannot wipe off the claims of the real hakdaro of an hereditary appointment.

Para 2 — I hold, as I did when decreeing that the suit was within the period of limitation under

32 Section 7 of Limitation Act and article 124 of 2nd Schedule annexed thereto.

Para 3 — I have explained in the beginning of this report how I hold Ramanna (Plaintiff) to be entitled to the hereditary appointment of Thanbogi.

Para 4 — Devaria's right as "Hakdar Thanbog" has not been clearly and unquestionably affirmed by former Deputy Commissioners only as Thanbog Gumasta. The original decision of Captain Pearse in 1871, upon which all the subsequent decisions relied, has clearly declared the right of Narsi Devaria as "Thanbog Gumasta" and not as "Hakdar Thanbog"

Para 5 — The explanation furnished to the other points applies to this as well.

The entire records bearing on the case, together with the Appeal Petition and its accompaniments received with the Memo under reply, are herewith submitted.

I have the honor to be.

Sir

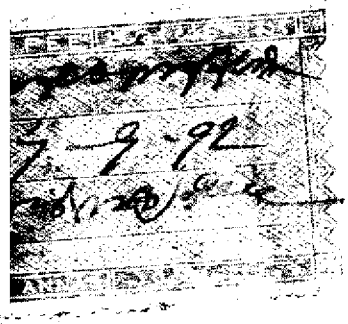
Your most obedt Servant

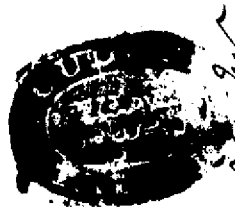
H H Parkes

Deputy Commissioner

Thanbog District

Amd.





35

4. That the petitioners' right to the Shanbhogi has been repeatedly affirmed by the former Deputy Commissioners of the District. 40

5. That the decision of the Deputy Commissioner is against law and the probabilities of the case.

For these reasons the petitioners pray that the judgment and decree of the Deputy Commissioner may be kindly set aside and the petitioners adjudged entitled to the Shanbhogi in dispute.

Bangalore
7th January 1893

B. Lakshminarayanappa
Pleader

(9)

Appeal No 95 of 1892-93.

Respondent

Ramanna.

Appellant

Sideverayya

of Chikkangele

Kadur Taluk

Ramiá, son of 1st Appt

L. R. 157-92

L. R. [illegible]

J. R. [illegible]

Decision dated 22nd January 1894

Respondent's grand father Puttappa was the Huckdar Shanbhoge. During his life time, the office was registered in the name of his minor son Kesaviah. A Gumasta was appointed, but he not having done his duties well, Appellant was appointed in 1870 as Gumasta. Appellant then declined to do duties unless he

was

was confirmed and tend-
-ered a Razinamah. 43
Notice was then given
to Kesaviah, and he
not having turned up
on the day appointed,
the Deputy Commissioner
ordered the Amildar to
appoint a gumasta on
behalf of Government,
and promised to issue
orders about his confirma-
-ation at the Jamabandy.
Then 1st appellant was again
appointed as gumasta,
and he was confirmed
as such in January 1871.
In 1876, Respondent's
step brother claimed
office by a regular
suit, but his claim was
rejected and the suit

not to hereditary rights.

The Deputy Commissioner's decision which is equitable is therefore hereby confirmed and the appeal dismissed.

"By order"

Chief Secretary

28/7/96

Redraft

30/1

No. 12859 87 30-1-94
P.787-93 6-2-94.

Copy forwarded to the Deputy Commissioner, Kaduna District, with the records received with his Nos. 478 and 164 dated 11th March and 8th September 1893 respectively.

"By order"

Chief Secretary

Redraft

Copies
Keep
Compared

Press copy sent.
6/2/94

After enquiry the award was made out in petitioners name. It was also ordered that Gumasta Narasidevariah should do the duties of Chickangala scale during his life time or till his dismissal; that a competent Gumasta might be appointed for Doddabenkkasagara scale; and that afterwards the Shanbhagi office of both the Scales should be vested in favour of the petitioner.

4. As Narasidevariah had not prepared accounts till the time of Huzur Jamabandy of 1850 the Jamabandi officer ordered that he should be removed from office, and that notice should be issued to the Hakdar. Accordingly the Amildar of the Hagur Taluk caused a notice to be served on the petitioner on 3/3/50

5. Immediately the petitioner went to the Taluk Cutcherry and presented a petition as

that he himself would do the Shanbhoga work. Without deciding anything, the Amildar issued endorsement No. 16 dated 10-7-00 to the petitioner, stating what is mentioned in the above para 3.

6. The petitioner then appealed to the Dy. Comr., who passed the order now appealed against.

7. The Shanbhoga in question is hereditary in petitioner's family. The petitioner is Shanbhoga only in name, but his being enjoyed by a Stranger. He has been reduced to much poverty and is put to much trouble thereby. The Gumasta Narasidevaraiah is 60 years old and is too weak to work. This fact has been noticed by the Huzur Jamabandi officer. Narasidevaraiah himself a gumasta. His son Subbaroya was appointed as his gumasta for the Dodda Bukkasagara. As Subbaroya vacated the office, Samanna has now been appointed as the

L.R. 151-92-10

That in the second settlement of Huckdarishan, the then D'y Coll. confirmed the late's + his son's names

That in 1892+93 Ramannah Patel of Chikkingala made a plaint-suit in the said D'y Coll's Court of the D'y Coll. who decided that both the scales of Shanboglee should be in his (Petitioner) possession only till his death & that the Govt confirmed the above order.

That he now prays for the review of the case, which he should have done earlier had it not been for the inconvenience of poverty

That if the D'y Coll. had rightly understood the documents, orders & registers he would have rejected the suit brought forward a second time by Ramannah Patel of Chikkingala

That the Amildar, Kadur Taluk has issued a notice on 3rd March 1899 to Ramannah to appoint a Gumasta for the Shanboglee in question within one month & if he fails to do so the Govt would appoint a Gumasta

That in the authority of this notice Ramannah has submitted petitions to the Govt & others & as such has caused room for unnecessary correspondence

That he (petitioner) has submitted copies of all documents & orders

Malas Ramann ah has
not looked after the duties
of the Shanbogh personally
he is not the lawful hukdar
and prays that as he is
very poor & has a large
family to maintain,
the hukdari of the
Shanbogh in Gundsin
be conferred on his
family

H B
11/9/01

L.R 151-92-12